

REMARKS

Claims 1-29 are pending in the application. Claims 1, 4, 6-8, 10, 11, 13-15, 17, 18, 20-22, 24, 25, 27, 28, 29, 30, 31, 33 and 34 stand rejected. Claims 3, 9, 16, 23 and 32 are objected to as dependent upon a rejected base claim.

Claims 1-2, 4-17, 19, 22, and 25-31 have been canceled. Claims 3, 18, 23, 32 and 33 have been amended. The claims have been amended solely so that the claims indicated as allowable will issue as a patent. Support for the amendments may be found, for example throughout instant specification, including the claims as originally filed. No new matter has been added.

New claims 35-42 have been added. Support for such claims may be found throughout the specification, including the claims as originally filed. Support for claims 35, 38, and 42 may be found, for example, on page 6 paragraph 26, and page 7. Support for claim 36 may be found, for example, on page 3, paragraphs 12 and 13. Support for claim 37 may be found, for example, on page 6 paragraph 25. Support for claim 39, 40, and 41 may be found, for example, on page 6, paragraph 23.

Claims 3 and 32, objected to as dependent upon a rejected base claim, have been rewritten as independent claims with all the limitations in the original base claim. Independent claim 18 has been amended to recite “dex(pantentol)”, following the Examiner’s objection to claims 3 and 32 solely based on the dependency of a rejected base claim.

Amendment of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicant reserves the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Furthermore, silence with regard to any of the Examiner’s rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner’s rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent

claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends.

Rejection of claims under 35 U.S.C. §102

Claim 25 stands rejected under 35 U.S.C. §102, as being anticipated by Park et al. Solely to expedite prosecution, Applicant has canceled claim 25, rendering this rejection moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of any rejection based on 35 U.S.C. §102.

Rejections under 35 U.S.C. §112

Claims 1, 4, 11, 18, 25 and 30 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4, 11, 25 and 30 have been canceled. Claim 18 has been amended to recite “dex(pantenol).” Reference to “selenium, calcium and zinc,” “honey and bee products” and gelatin and collagen have been removed solely to expedite prosecution of these claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of any rejection based on 35 U.S.C. §112, second paragraph.

Rejection of claims under 35 U.S.C. §103

Claims 1, 4, 6, 7, 8, 10, 11, 13-15, 20, 21, 22, 24, 27, 28, 30 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bisgard-Frantzen. Claims 1, 4-8, 10, 11, 13-15, 22, 27, 28, and 30, have been canceled. Claims 6, 7, and 10 depend on amended claim 4. Claim 33 has been amended to depend on amended claim 32. Claims 20, 21, and 24 are dependent claims that depend on amended claim 18. Accordingly, the Applicants respectfully request withdrawal of this rejection.

Claims 1, 4, 6, 8, 10, 11, 13-15, 17, 18, 20-22, 24, 25, 30, 31, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leahy et al. Claims 1, 4, 6, 8, 10, 11, 13-15, 17, 22, 25, and 30 have been canceled. Independent claim 18 has been amended to recite “dex(pantentol),” following the Examiner’s objection to claims 3 and 32 solely based on the dependency of a rejected base claim. Claims 20, 21, and 24 are dependent claims that depend on

amended claim 18. Claims 33 and 34 have been amended to depend on amended claim 32. Accordingly, the Applicants respectfully request withdrawal of this rejection.

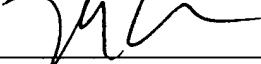
CONCLUSION

In view of the foregoing remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-832-1000. Should a further extension of time be required other than provided for, Applicant hereby petitions for same and request that the extension fee and any other fee required for timely consideration of this application be charged to Deposit Account, No. **06-1448**.

Date: May 26, 2005

Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600

Respectfully Submitted,



Theresa C. Kavanaugh
Reg. No. 50,356
Agent for Applicants